

**MINUTES**  
**COMMITTEE ON STORMWATER/CSO**  
**WEDNESDAY, AUGUST 26, 1998 – 11:30 A.M.**  
**TENTH FLOOR CONFERENCE ROOM**  
**LANSING CITY HALL**

**Call To Order**

The meeting was called to order at 11:35 a.m. by Councilmember Leeman

**Roll Call**

Councilmember Harold Leeman, Chair  
Councilmember Lou Adado, Vice Chair  
Councilmember Michael Murphy, Member

**Others Present**

Michael Navabi, Director, Public Service Department  
Chad Gamble, Public Service Engineer  
Bob Rose, Public Service Engineer  
Helen Fiser, Appellant  
Walter Jones, Citizen  
Jack Jordan, Law Department  
Ron Wilson, Council Staff  
Tina Gallante, Council Staff

**Public Comment on Agenda Items**

Public comment was taken at time of agenda item.

**Approval of Minutes**

No minutes were acted upon.

## **DISCUSSION/ACTION**

### **Appeal of Alexander Bolt**

Mr. Gamble passed out information on Mr. Bolt's appeals of stormwater bills 95-97 for 1230 Reo Road including data sheets and color digital photos of the area. The main reason for his appeal given by Mr. Bolt is that the fee is a tax and not a fee. He also added reasons during past presentations by Mr. Bolt. The recommendation of the Public Service Department is to deny the appeal. No existing credit is available for this site. The base rate \$120.17.

COUNCILMEMBER ADADO MOVED THAT ALL TAX RELATED ARGUMENT APPEALS TO PENDING UNTIL THE MICHIGAN SUPREME COURT HAS RENDERED ITS DECISION. (Approximately 40 appeals).

Jordan remarked that the Court of Appeals has decided that it is a fee. Mr. Gamble stated that 99 percent of the people have paid their 1995 fees. Councilmember Leeman stated that no one should get a free ride. Councilmember Adado stated that we could not speculate how the Court will decide. Mr. Jordan noted that while Mr. Bolt's fee has a minimal impact on the City, the cumulative effect of all those appealing their decisions for the same reason is substantial. Councilmember Leeman stated that we should uphold the fee and deny the fees.

ON MOTION.

|        |     |
|--------|-----|
| LEEMAN | NO  |
| ADADO  | YES |
| MURPHY | NO  |

MOTION FAILED.

COUNCILMEMBER MURPHY MOVED TO REJECT THE APPEAL OF ALEXANDER BOLT. MOTION CARRIED, 2-1. (Councilmember Adado voting no.)

### **Fiser Appeal**

Mr. Gamble presented the material on Helen and Dick Fiser's appeal. Basis for appeal was that it was a tax and didn't receive service. Generally, speaking the property does drain to the backwater of Sycamore Creek and the Weigman Drain, which goes underneath the road and empties into the Sycamore Creek. The Fiser's brought up other issues but the issues were not pertinent to the discussion of whether they receive service

Fisers believe they are not required to use service, presented data on the geographical material of their property, Fiser Lake, Sycamore Creek, pipes, etc., sheet flow theory

should , water seeps through, etc. If not shown that specific service is provided then the fee should be removed.

Mr. Gamble presented a map outlining the Fiser property and that the storm water fee has been provided to the Fisers for some time not just beginning in 1995. Topogeographic map shows that the Fiser property drains into the Weigman drain. By either natural means or through maintaining the City's storm water system.

Mr. Navabi asked what would happen if drainage pipe doesn't work. The Fiser property slopes from 834 to 830 feet above sea level.

No credits for the property. The base rate is \$2,174.54. Councilmember Adado stated the property has been served by the natural runoff into system. Mr. Gamble clarified that the Department has not provided has a new service, but rather dependent on the Weigman Drain, Sycamore Creek, etc.

Councilmember Adado indicted the proper scientific research has not been done to exactly determine the amount of water that is running off. The factors in this case are so unique. Mr. Gamble indicated this is not a special case because the ordinance is based on the property and run-off characteristics of it. This property could install a private system to lead to the City's system, as do much other property owners. This is not a special property, there are other properties with various types of soil and percolator factors.

Councilmember Adado commented that applying common sense, he has a hard problem telling an individual that they have to use the City's system when they have a lake right next to them. He feels that they should pay something, but not the entire bill. He would suggest a fee of 15 to 25 percent of the normally calculated fee due to the specific facts of the case.

Councilmember Leeman indicated that when asking the Fisers several months ago, they had indicated that they feel they should pay nothing. The department feels they do get served.

Ms. Fiser pointed out that she feels the property is not using a service. Mr. Gamble indicated this particular property is using the system.

COUNCILMEMBER ADADO MOVED TO GRANT THE FISER'S A SEVENTY-FIVE PERCENT REDUCTION IN THEIR 95, 96, AND 97 STORMWATER FEE AND TO CHARGE THEM 25 PERCENT OF THE FEE BASED ON THE DESCRIBED DISCUSSION. MOTION CARRIED 3-0.

## **Claim of George Grabowski**

Mr. Gamble presented documents and photographs.

Mr. Navabi commented this is a somewhat unique site because it contains a body of water where no pipes go into this. He has been concerned about contained bodies of water on large pieces of property and the department has conducted a series of calculations over the past few months for possible credits tributary to ponds, that being the area leading up to the pond. The studies concluded that for this area, to consider a credit, they would request an 85 percent credit for the tributary area. He would suggest that this credit be considered for properties greater than 10 acres.

Mr. Gamble indicated the credit was applied and the new base rate would be \$4,058.53. From this amount he would get the special assessment credit.

COUNCILMEMBER ADADO MOVED TO CONCUR WITH THE PUBLIC SERVICE DEPARTMENT'S RECOMMENDATION TO THE 85 PERCENT CREDIT TO THE TRIBUTARY AREAS. MOTION CARRIED 3-0

## **ADJOURN**

The meeting was adjourned at 12:45 p.m.

Respectfully Submitted

Tina M. Gallante  
Administrative Secretary  
Lansing City Council

Approved by the Committee.

Signed by: \_\_\_\_\_  
Harold Leeman, Chair

Appropriate documents attached to original set of minutes.